

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	Case No. 1:20-CR-143
v.)	
)	Honorable T.S. Ellis, III
ZACKARY ELLIS SANDERS,)	
)	
<i>Defendant.</i>)	
_____)	

**GOVERNMENT’S MOTION TO SEAL RESPONSE TO DEFENDANT’S
MOTION FOR RECONSIDERATION OF HIS MOTION TO COMPEL**

The United States of America, by and through its undersigned counsel and pursuant to Local Criminal Rule 49(C) and 49(E), moves to file under seal an un-redacted copy of the government’s response in opposition to the defendant’s motion for reconsideration of his motion to compel discovery. A redacted copy of the reply has been filed on the public docket. Dkt. No. 94. An un-redacted copy will be delivered to the clerk’s office with a copy of this motion and emailed to defense counsel. A proposed Order is attached for the consideration of the Court.

The government’s response contains arguments and information regarding the underlying investigation in this matter that are subject to a protective order. *See* Dkt. No. 28. Through the protective order, the parties have agreed that certain information related to the investigation contained within the defendant’s instant motion and the parties’ filings should be filed under seal. This investigation is ongoing and sensitive, and the government believes that the details of this investigation are not widely known. Sealing is therefore necessary in order to safeguard this information and prevent the unnecessary disclosure of it.

The Court has supervisory power over its own records and may, in its discretion, seal

documents if the public's right of access is outweighed by competing interests. *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984). Such sealing is within the discretion of this Court and may be granted for "any legitimate prosecutorial need." *United States v. Ramey*, 791 F.2d 317, 321 (4th Cir. 1986); *see also, Baltimore Sun Co. v. Goetz*, 886 F.2d 60, 65 (4th Cir. 1989).

Accordingly, the United States requests that the government's response in opposition to the defendant's motion for reconsideration of his motion to compel discovery be filed and remain under seal until further order of the Court

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

Date: September 9, 2020

By: /s/
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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which automatically generated a Notice of Electronic Filing to the parties of record.

By: /s/
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